

Order

**Supreme Court
Lansing, Michigan**

September 28, 2005

Clifford W. Taylor,
Chief Justice

128240-41

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

THOMAS J. SCHMALTZ,
Plaintiff-Appellee,

v

SC: 128240
COA: 237991
Oakland CC: 97-002459-NP

GREYSTONE BUILDERS, INC., d/b/a
GREYSTONE CONSTRUCTION, INC.,
Defendant-Appellant,

and

MICHIGAN TRACTOR AND MACHINERY
COMPANY,
Defendant.

JAMES A. SMITH,
Plaintiff-Appellee,

v

SC: 128241
COA: 237992
Oakland CC: 98-008659-NO

GREYSTONE BUILDERS, INC., d/b/a
GREYSTONE CONSTRUCTION, INC.,
Defendant-Appellant,

and

MICHIGAN TRACTOR AND MACHINERY
COMPANY,
Defendant.

On order of the Court, the application for leave to appeal the January 4, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.



s0919

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 28, 2005

Corbin R. Davis

Clerk